

REMARKS

In the Office Action of February 5, 2008, the Office set forth the following rejections:

(a) Claims 1-14, 17-23, 26-28, 30-39 and 41-51 under 35 USC §102(b) as being anticipated by U.S. 6,389,467 to Eyal (referred to as the Eyal reference); and

(b) Claims 15, 16, 24, 25, 29 and 40 under 35 USC §103(a) as being unpatentable over the Eyal reference in view of U.S. 2003/0236906 to Klemets et al. (referred to as the Klemets reference).

Subject Matter of Instant Application: Object Selection/Creation

The instant application describes a media source resolver interface for creating media source objects or byte stream objects. Media source objects are components capable of parsing and interpreting data "pointed to" by a URL or contained in a byte stream object. A byte stream object is an encapsulation representing a stream of data. A media source resolver interface can provide both synchronous and asynchronous methods of creating media source objects and byte stream objects without requiring prior knowledge about the format of data represented by the specified URL or byte stream object.

Various examples are described with respect to interfaces (e.g., APIs), such as the following:

(a) At ¶[0087], the instant application describes a so-called "IMFSourceResolver" interface that exposes seven methods, including synchronous techniques "CreateObjectFromURL" and "CreateObjectFromByteStream" and asynchronous techniques "BeginCreateObjectFromURL" and "BeginCreateObjectFromByteStream".

(b) At ¶¶ [0088] and [0089], the instant application also describes a so-called "IMFResolutionCallback" caller supplied resolution callback interface that exposes three methods, including "HandleResolution".

(c) At ¶ [0090], the instant application also describes a so-called "IMFSchemeHandler" interface that exposes three methods, including

"BeginCreateObject" for creating an object that can connect and read data from a resource pointed to by a specified URL.

(d) At ¶ [0091], the instant application also describes a so-called "IMFByteStreamHandler" interface that exposes five methods, including "BeginCreateObject" for creating a resolution object from a supplied byte stream.

As explained in the instant application, such interfaces and associated methods can, for example, create a media source object or a byte stream object from a URL or create a media source object from a byte stream object.

Claim 1

To clarify further, consider claim 1, as currently amended:

receiving a uniform resource locator (URL) as associated with one of a plurality of applications requesting media content;

identifying a scheme associated with the URL;

selecting a first object operable to handle the identified scheme associated with the URL to access parameter data from a location specified by a uniform resource locator (URL) based on a scheme of the URL; and

based on the accessed parameter data, selecting a second object operable to read media content of a given type from the location specified by the URL based on data acquired using the first object.

Hence, the method of claim 1 may be a method performed by an interface that services a plurality of applications that can request media content. Per the dependent claims, the first object and/or the second object are specified (e.g., to create a media source object or a byte stream object from a URL or create a media source object from a byte stream object).

Claim 17

To clarify further, consider claim 17, as currently amended:

receiving a uniform resource locator (URL) specifying a location of media content as associated with one of a plurality of applications requesting media content;

determining a scheme of [[a]] the uniform-resource-locator-{URL} URL specifying a location-of-media-content;

using the scheme to produce a byte stream object that to handle the determined scheme associated with the URL to access parameter data;

using the byte stream object to generate[[s]] a byte stream from the media content; and

using at least a portion of the byte stream to produce a source object that, based on the accessed parameter data, reads accesses the media content of a given type, from the location specified by the URL.

Hence, the CRM claim 17 may be to implement an interface that services a plurality of applications that can request media content. In claim 17, a "byte stream object" and a "source object" are explicitly recited and follow from receipt of a URL (i.e., URL to byte stream object to source object).

Eyal Reference: Media Search and "Data Type" Stored in Database w/Link

The title of the Eyal reference is "Streaming Media Search and Continuous Playback System of Media Resources Located by Multiple Network Addresses". It is a 47 page document that is directed to a network enabled device that receives search criteria and accesses a memory that includes a plurality of network addresses where a media playback component of the device plays back media resources provided by at least some of the addresses (i.e., according to the search).

As shown explicitly in Fig. 1 of the Eyal reference, a playback interface is provided (block 160). Fig. 13 of the Eyal reference shows how a user, when presented media via a user interface (block 1110), can play back media clips (block 1140). As a system, Fig. 19 of the Eyal reference shows how a network server module 1770 allows a playback component 1710 to access media via URL links.

Given this evidence, it is clear that the playback interface module 160 of Fig. 1 is for a user to define and execute search criteria for media playback (col. 13, lines 37-39). For further support, at col. 18, lines 9-11, appears a heading "Media Search Engine" followed by "[e]mbodiments of the invention locate web resources on a network such as the Internet". Once a resource is located, the Eyal reference uses a verification process that relies on use of a media player: "The response provided by the media player to the link determines whether the links are verified".

Yet further, the Eyal reference states that "embodiments enable network links to files of a particular data type to be rapidly accumulated and stored in a database" (col. 19, lines 11-13) where the database is used to store "information that characterizes the files associated with the links" (col. 19, lines 18-21). With respect to data types and associated protocols, at col. 21, lines 35-46, the Eyal reference states:

Each URL signaled from web server module 270 has a network protocol. For media resources, and specifically audio files, types of protocols include "HTTP" protocol, "PNM" protocol (RealNetworks, having RM extensions), or "RTSP" protocol (having RAM extensions). The URLs signaled by web server module 270 include the protocol at an initial portion of the string forming the URL. Preferably, for HTTP protocol files, the string portion corresponding to HTTP is replaced with "PNM". This adjustment prevents playback component 211 from failing as a result of a bug in the media playback component, particularly if the playback component 211 is a RealNetworks Player™.

With respect to data types and media players, at col. 27, lines 14-19, the Eyal reference states:

In an embodiment, the flow process employs a streaming media player component installed on the user terminal. The media player may be preexisting on the user terminal. Examples of media players for use with an embodiment include RealNetwork Player™, Microsoft Windows Media Player™, and Apple QuickTime™. The application described in the process may be web based or installed the user terminal.

Based on this evidence, it appears that the system of the Eyal reference relies merely on storage of data type with a link in a database and, for protocols, on replacing a string portion as to protocol type (e.g., "PNM").

Evidence relied on by the Office (in order cited):

Eyal Reference:

- E1. Column 2, lines 5-26
- E2. Column 3, lines 45-65
- E3. Column 12, lines 1-10
- E4. Column 2, lines 30-45
- E5. Column 12, lines 13-35
- E6. Column 2, lines 35-45
- E7. Column 3, lines 50-60
- E8. Column 12, lines 35-65
- E9. Column 2, lines 5-43

Klemets Reference:

- E10. Para [0099]
- E11. Para [0095]

Rejection of Claims 1-14, 17-23, 26-28, 30-39 and 41-51 under 35 USC §102(e)

The Office rejected claims 1-14, 17-23, 26-28, 30-39 and 41-51 as being anticipated by various portions of the Eyal reference.

Findings of Fact by the Office:

FF1. The Eyal reference discloses a method comprising selecting a first object operable to access data from a location specified by a uniform resource locator (URL) based on a scheme of the URL (OA 2/05/08 at pp. 2 and 3, citing E1-E3).

FF2. The Eyal reference discloses a method comprising selecting a second object operable to read media content of a given type from the location specified by the URL based on data acquired using the first object (OA 2/05/08 at pp. 2 and 3, citing E1).

FF3. The Eyal reference discloses wherein the selection of the second object is additionally based on information contained in the URL indicating a type of the multimedia data (OA 2/05/08 at p. 3, citing E4, E5).

FF4. The Eyal reference discloses wherein the second object is a source object (OA 2/05/08 at p. 4, citing E1).

FF5. The Eyal reference discloses wherein the second object is produced using a byte stream handler selected from a list of byte stream handlers and wherein each byte stream handler in the list has a selection value associated therewith (OA 2/05/08 at p. 6, citing E8).

FF6. The Eyal reference discloses a computer-readable medium including computer-executable instructions for performing operations comprising: determining a scheme of a uniform resource locator (URL) specifying a location of media content, using the scheme to produce a byte stream object that generates a byte stream from the media content; and using at least a portion of the byte stream to produce a source object that accesses the media content (OA 2/05/08 at pp. 6-7, citing E1-E3, E9).

FF7. The Eyal reference discloses wherein the operation of producing a byte stream object includes choosing a scheme handler and using the chosen scheme handler to produce the byte stream object (OA 2/05/08 at p. 7, citing E1, E6, E7).

Rejection of Claims 15, 16, 24, 25, 29 and 40 under 35 USC §103(a)

The Office rejected claims 15, 16, 24, 25, 29 and 40 as being unpatentable over various portions of the Klemets reference. The Office set forth these reasons in Findings of Fact 8-13, below.

FF8. The Klemets reference discloses wherein the second object is produced using a byte stream handler selected from a list of byte stream handlers and wherein each byte stream handler in the list has a cost value associated therewith (OA 2/05/08 at p. 21, citing E10, E11).

FF9. The Klemets reference discloses wherein the second object is produced using a byte stream handler selected from a list of byte stream handlers and wherein each byte stream handler in the list has a cost value associated therewith, the cost value indicating how many bytes must be read by the byte stream handler in determining if the byte stream handler is appropriate for selecting the second object (OA 2/05/08 at pp. 21 and 22, citing E10, E11).

FF10. The Klemets reference discloses wherein the operation of producing a source object includes choosing a byte stream handler from a list of byte stream handlers and using the chosen byte stream handler to produce the source object and wherein the list of byte stream handlers is ordered based on a cost values associated with the byte stream handlers (OA 2/05/08 at pp. 22 and 23, citing E10, E11).

FF11. The Klemets reference discloses wherein the operation of producing a source object includes choosing a byte stream handler from a list of byte stream handlers and using the chosen byte stream handler to produce the source object and wherein and each byte stream handler in the list has a cost value associated therewith, the cost value indicating an amount of data that must be read by the byte stream

handler in determining if the byte stream handler is appropriate for producing the source object (OA 2/05/08 at p. 23, citing E10, E11).

FF12. The Klemets reference discloses wherein the operation of producing a source object includes using a look-up process to: select a number of byte stream handlers; and invoke the byte stream handlers one at a time in a predetermined order based on cost values associated with the selected byte stream handlers until a byte stream handler produces a source object (OA 2/05/08 at p. 24, citing E10, E11).

FF13. The Klemets reference discloses wherein the byte stream object is produced using a scheme handler that is selected from a list of scheme handlers, the list being selected based on the scheme of the URL and ordered based on cost values associated with each of the scheme handlers in the list (OA 2/05/08 at pp. 24 and 25, citing E10, E11).

Principles of Law:

Per MPEP §2131: A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Per MPEP §2143:

The rationale to support a conclusion that the claim would have been obvious is that:

- (i) all the claimed elements were known in the prior art;
- (ii) one skilled in the art could have combined the elements as claimed by known methods, with no change in their respective functions; and
- (iii) the combination yielded nothing more than predictable results to one of ordinary skill in the art.

It can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.

The rationale to support a conclusion that the claim would have been obvious is that a person of ordinary skill in the art would have been motivated to combine the prior art to achieve the claimed invention and that there would have been a reasonable expectation of success.

If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

Per MPEP §2143.01:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Applicant's Position

Applicant submits that various Findings of Fact (FF) of the Office that rely on evidence in the Eyal reference are in error. For example, FF2 is unsupported by objective evidence of record. To demonstrate why, respectfully directs the Office to the already presented summary of the subject matter of the instant application and the Eyal reference. Based on this evidence, it appears that the media search system of the Eyal reference relies merely on database storage of a media data type with a link to the media and, for protocols, it relies on replacing a string portion as to protocol type (e.g., "PNM"). After a detailed review of the Eyal reference, Applicant finds no evidence to support FF2, which contends that the Eyal reference discloses "selecting a second object operable to read media content of a given type from the location specified by the URL based on data acquired using the first object".

As another example, consider FF3, which contends that the Eyal reference discloses "determining a scheme of a uniform resource locator (URL) specifying a location of media content, using the scheme to produce a byte stream object that generates a byte stream from the media content; and using at least a portion of the byte

stream to produce a source object that accesses the media content". Applicant submits that the system of the Eyal reference relies on relatively simply database entries that associate a link to media with a data type for that media. Applicant fails to find evidence of a byte stream object or a source object and, hence, fails to find evidence of producing a byte stream object and producing a source object.

Further, Applicant submits that any modification of the system of the Eyal reference to meet the claimed subject matter would change the principle of operation of the Eyal reference. In principle, operation of the system of the Eyal reference relies on (i) a search engine and (ii) a database that stores links to media with associated data types of the media. Applicant submits that any modification of the system of the Eyal reference for object creation (for byte stream or source objects) would be superfluous as the Eyal reference already ensures media compatibility with a media player via a verification process and as it stores, in a database, data type for media in association with a link to the media. The search engine of the Eyal reference relies on the information stored in the database – where data type is known and compatibility verified.

As explained, the subject matter of claim 1 is directed to receiving a uniform resource locator (URL) as associated with one of a plurality of applications requesting media content, identifying a scheme associated with the URL, selecting a first object to handle the scheme associated with the URL to access parameter data and based on the accessed parameter data, selecting a second object operable to read media content of a given type. Independent claims 17, 35 and 43 recite related subject matter. Applicant submits that the Eyal reference does not disclose, teach or suggest the subject matter of independent claims 1, 17, 35 and 43.

Response to Specific Evidence: E2 and E3

The Office cites E2 as disclosing the first object of claim 1 in FF1. The cited portion (E2) of Eyal, accentuates the order in which media resources are presented. For example, the cited portion describes Eyal's database signaling the plurality of links

to the web server module in the designated order. (Eyal Column 3, lines 58-60). Further, the web server module of Eyal is described as signaling the plurality of links to the user terminal in the designated order. (Eyal Column 3, lines 54-55). The ordered signaling causes Eyal's terminal to load the media web resource located by each of the plurality of links into the media playback component in the designated order. (Eyal Column 3, lines 54-57). Eyal also teaches accepting user input via the user interface for directing the web server to alter the designated order in which the database signals the plurality of links to the web server module. (Eyal Column 3, lines 57-65).

The word designated order is mentioned three times in the cited portion (E2) of Eyal alone. This evidence supports a finding of fact that, unlike claim 1, the Eyal reference emphasizes the "signaling of the plurality of links in the designated order." Claim 1 recites selecting a first object operable to handle the identified scheme associated with the URL. The aforementioned portion of Eyal however, fails to mention anything about identifying the scheme of the received URL or the network enabled device's ability to handle the identified scheme. Accordingly, E2 fails to teach the first object selection of claim 1.

Further, E3 is also cited as disclosing the first object of claim 1 in FF1. The cited portion of Eyal (E3) describes the system building a database of addresses including URLs for network and Internet sites. (Eyal Column 12, lines 4-6). Media web sites in Eyal may allow users to access media, to locate media on other types of network, or to locate media sites via a search engine. (Eyal Column 12, lines 6-10). The cited portion (E3) of Eyal describes the network enabled device accessing the media resource. However, the cited portion of Eyal (E3) does not teach the network enabled device accessing parameter data or selecting the first object operable to handle the identified scheme associated with the URL as recited in claim 1. Therefore, Applicants respectfully submit that Eyal's network enabled device is not analogous to the first object as recited in claim 1.

Conclusion: The evidence cited by the Office (E2 and E3) does not support its finding of fact (FF1). Consequently, the Office's legal conclusion as to claim 1 is in error.

Response to Specific Evidence: E9

In FF6, the Office cites E1-E3 and E9 as disclosing the computer readable medium of claim 17. Claim 17 recites, in part, determining a scheme of the URL received from one of a plurality of applications. The Office equates determining a scheme of the URL element of claim 17 with Eyal's network enabled device accessing media resource at the address (Office Action at p. 6).

The Office also asserts that Eyal's network server module signaling the address to the network enabled device to cause the device to access the media network resource, and to signal media playback component to load the media network resource is analogous to following three elements of claim 17:

(1) using the scheme to produce a byte stream object to handle the determined scheme associated with the URL to access parameter data;

(2) using the byte stream object to generate a byte stream from the media content; and

(3) using at least a portion of the byte stream to produce a source object that, based on the accessed parameter data, reads the media content of a given type, from the location specified by the URL.

The cited evidence E9 does not support such a finding (FF6) mainly because Eyal's search criterion is not analogous to the URL scheme determination element of claim 17. Eyal's network server module uses the search criteria to search the database to locate an address. In contrast, claim 17 recites using the URL scheme to produce a byte stream object. Eyal does not produce anything from the search criteria. Eyal merely selects an address from the database which is associated with a class of information that matches with the search criteria.

Because Eyal does not teach producing the byte stream object of claim 17, Eyal also does not teach producing the source object of claim 17. Unlike Eyal's search criteria or selected database address, the source object of claim 17 is produced using the byte stream object and for reading the media content.

Conclusion: The evidence cited by the Office (E1-E3 and E9) does not support its finding of fact (FF6). Consequently, the Office's legal conclusion as to claim 17 is in error.

Obviousness Rejections: Eyal in view of Klemets

The Office Action rejected claims 15, 16, 24, 25, 29 and 40 under 35 U.S.C. 103(a) as being unpatentable over the Eyal reference in view of U.S. 2003/0236906 to Klemets (Office Action at p. 21). Applicant respectfully directs the Office to the foregoing evidence and arguments. In particular, Applicant directs the Office to the evidence as to the principle of operation of the system of the Eyal reference, noting that per MPEP §2143.01:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

For this reason alone, Applicant submits that the Eyal reference cannot serve as a primary reference in support of a *prima facie* case of obviousness. Hence, Applicant submits that the pending claims are patentable over the Eyal reference in view of the Klemets reference.

Claim 15

As to claim 15, the Office Action asserts that the Eyal reference does not teach elements of claim 15, but that the Klemets reference teaches the elements of claim 15 (Office Action at p. 21). These rejections rely on Findings of Fact 8 through 13 (FF8-13), as presented above.

In support of FF8-FF13, the Office Action cites E10 and E11 (Office Action at p. 21). The evidence E11 describes a process for determining whether to cache streaming media content on a client device. This portion of the Klemets reference fails to provide evidence sufficient to teach or suggest producing the second object using a byte stream handler selected from a list of byte stream handler having a cost value associated therewith as recited in claim 15. The evidence E10 describes details regarding the link bandwidth values and actions associated with various ranges of the link bandwidth values.

As discussed above, the Eyal reference fails to disclose the first object and the second object of claim 1. The cited portion of the Klemets reference does not cure the infirmity of the Eyal reference. Accordingly, the combination of the Eyal and Klemets references does not teach or suggest the subject matter of claim 15.

Conclusion

Applicant submits that, for at least the reasons above, claims 1-14, 17-23, 26-28, 30-39 and 41-51 are not anticipated under 35 USC §102(b) by U.S. 6,389,467 to Eyal (referred to as the Eyal reference) and that claims 15, 16, 24, 25, 29 and 40 are not unpatentable under 35 USC §103(a) over the Eyal reference in view of U.S. 2003/0236906 to Klemets et al. (referred to as the Klemets reference).

Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to claims 1-51 and an indication of the allowability of same.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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